

## Toronto Cops Beat Another One

The Woman's Coalition Against Racism and Police Violence, formed in Toronto last November after a cop shot and wounded a Black woman is now also supporting Kay Poon, a 50 year-old immigrant from Hong Kong. Poon was beaten by two cops, a man and a woman, last November 23 after her car was pulled over by a police cruiser while she was on dinner break with a Vietnamese woman co-worker. Poon was arrested and charged with assaulting the woman cop and causing a disturbance. When Poon was finally taken to the hospital, the nurse on duty recognized the woman cop as one who had previously brutalized people she had treated. The nurse urged Poon to lay charges.

Poon attempted three times to lay charges with a Justice of the Peace, and was refused. This left Poon no alternative but to lay a complaint with the Public Complaints Commission, which has no power to take statements from, or lay charges against, police and can only make disciplinary recommendations to the Chief of Police. In any case, the Commission will not complete their investigation until 2 or 3 months after the completion of Poon's trial, which has already begun.

Poon appeared in court on Feb/23, represented by civil rights lawyer Paul Copeland. Members of the Woman's coalition were out in force to observe the trial. During the morning-long cross examination of the officers involved, both claimed to "not recall" details of the incident and needed to continuously refer to their notebooks. Interestingly, Copeland found an almost identically worded phrase in both notebooks: that bystanders "were watching intensely/intently and appeared disturbed by the female's screaming." Poon was screaming continuously and loudly "with a heavy accent." Supposedly for this, Poon was arrested for causing a disturbance. The trial will continue March 26 when a video of Poon's booking and release from 14 Division will be shown.

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Both Poon, and Sophia Cook, who is now beginning to walk tentatively after being partially paralyzed when she was shot last fall by a cop, actively support the work of the Woman's Coalition. Both spoke, along with a Coalition representative, at Toronto's International Women's Day (IWD) rally on March 3. IWD in Toronto is always a major event, with thousands participating in the rally, march and fair. Police officers harassed the organizers by threatening to cancel the parade permit if the rally wasn't wound up and the march begun precisely on time. The march did proceed without further cop-incident though 4 Nazi skinheads jeered as they followed along. A few weeks earlier, a pro-choice march was attacked by the cops, resulting in two arrests and numerous injuries. Bulldozer will report further developments as they occur. ∞

### Mandela *continued from front cover*

burned off and the sun began to shine through, warring with banks and bits of clouds of varying darkness and density. Light and shadow alternated swiftly or slow, as directed by the winds. With what seemed like hard and active effort, there was conquest of more time in the sun for all on the ground. In African tradition, rain after an important event is a good sign, and it came with thunder in Cape Town that night.

And even among the hardest of the hard rocks at Marion, flinty fellas for whom exceedingly little that comes across the TV retains any evocative power, not all the water fell from the sky when Mandela walked free. ∞

### The Jungle *continued from centrespread*

observed Perotti being beaten and gassed. John was then transferred to another prison away from these sadistic guards and the Control Unit. But the question remains, what happens to the next Perotti to be placed in the Control Unit?

The Control Unit is made to break a man's spirit, to make him submit to the prison guards and be brain washed to do exactly as they are told, to be a robot and not to think for yourself, but only be told what to do. Since being in the Jungle, I've seen two men broken. It is not a pretty sight to see a man cry and admit defeat, that he could no longer handle the pressure to submit himself like a lamb to slaughter. These Control Units serve no rehabilitative purposes at all. They only try to control a man to the point of non-existence.

Remember this brothers: united we stand, divided we fall. We must all rise up and let our voices be heard. No one will know what is on your mind if you do not voice your opinions.

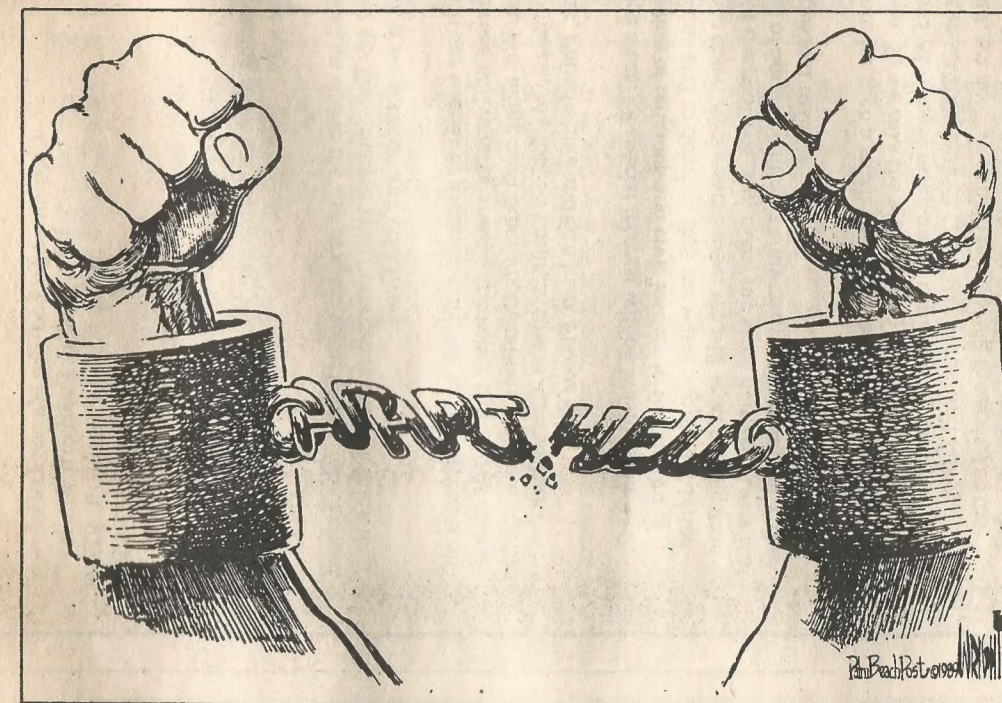
Stay strong brothers!  
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## Prison News Service

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Number 23

## Mandela Raises



On the afternoon of 11/Feb/90 in South Africa, Nelson Mandela, the west's longest held political prisoner, walked out through the gate of Victor Verster Prison near Cape Town. He strode down the entrance road strong, straight and dignified after almost 28 years, most of which were spent in racist dungeons beside which USP Marion pales in comparison. Upon reaching the gate, his first statement to a waiting world was a clenched fist salute, demonstrating that decades of repression had not bent him or swayed him from the course of righteous struggle.

When he spoke at Cape Town city hall later that day, he repeated that he would dearly like to see a peaceful transition to one person, one vote that would include all South Africans, black and white. But he staunchly defended the armed struggle against those who would deny that essence of liberty, deny freedom, deny equality, deny equity as not only a right but an obligation. He also articulated a socialist — still socialist —

vision, and called for intensification of the struggle on all fronts. He defended his organization, the African National Congress (ANC), and its commitment to struggle on all fronts — including the armed — and affirmed his status as a disciplined member of that body. Not too shabby from a fella only hours away from a lifetime in the gulag!

The day in Southern Illinois began overcast and threatening, a pregnant outside atmosphere that complemented the one inside. Virtually all the Marion prisoners awaited the release in the full knowledge that there, like here, officials' promises are not real until they're in the past tense. It would be nice to be able to say that a brilliant sun burst through vanquished clouds at the moment Mandela emerged, but that was not what happened. But what happened in the sky may have been a more accurate portent. Right about the time of the release, late morning in Southern Illinois, some of the overcast

*continued on back cover*



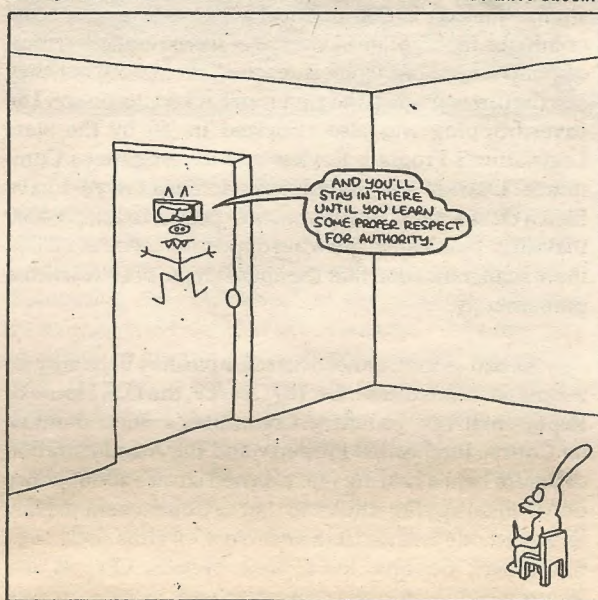
# Bushbo, Burgo and Benbo: Big Brother Speak

U.S. President Bush, Attorney General Richard Thornburg, and Drug Policy Director William Bennett, the inheritors of "Ronbo" Reagan, have been increasingly strident in pushing for a police state under the guise of "fighting crime". They keep seeking to legitimize more repression and fewer civil liberties as the solution to social ills caused by the rampant exploitation and oppression intrinsic to the capitalism of which they are so enamored. Conveniently, it is only crime perpetrated — imposed by social and economic conditions — predominantly in poor and third world communities they are able to see as problematic. They are virtually blind to the crimes of established wealth — legal and illegal — like the Drexel Burnham Lambert brokerage house cutting up \$350 million in "bonuses" just a couple of months before declaring bankruptcy, not to mention the alphabet soup of scandals at government agencies like HUD, DOD, EPA, FBI, etc., etc., etc. But those crimes, while more socially destructive, do not justify the maintenance of a vast occupying army of police and a massive "security" apparatus from surveillance to imprisonment. Hence it is not their class brethren Bushbo, Burgo and Benbo attack; it is against we, the people, that they call for ever more repression, imprisonment and death.

On 24/Jan/90, Bushbo spoke in Kansas City to defend his package of stricter "crime control" measures against U.S. Senate Judiciary Committee Chair Joseph Biden's arguably more liberal crime bill. The prez said that the current laws "handcuff" police. Under these same laws, which include preventative detention without bail, police have been able to stuff prisons way past capacity and, in some places, past people's capacity to pay

for them. He called for more death penalty use and its extension beyond drug kingpins as well as for appeals of death sentences to be limited to one year. He apparently expects people to believe that if appeals can be so dangerously limited in these cases where they are literally matters of life and death, the next target won't be all appeals, access to the courts and due process generally. This leader of an alleged democracy who presumably is familiar with its constitution also argued that evidence obtained without a search warrant should be admissible as long as police seized it in good faith. It is questionable

## LIFE IN HELL



if in Bush's mind police can ever act otherwise — unless they're Sandinistas. And how many search warrants would even be sought if that were the law?

On 31/Jan/90, Burgo urged shortening of the death penalty appeals process in testimony before the Federal Courts Study Committee. He claimed that the current six year, eight month average time from conviction to execution constitutes a crisis. As U.S. Attorney General, Thornburg is supposed to be the people's lawyer. Yet he endorsed the Committee's proposal to limit their appeals of death sentences to two rounds in state and federal court: one to challenge the verdict and the other to contest rights violations. The Committee is headed by former Supreme Court Justice Lewis F. Powell, a supposed quasi-liberal. This eliminates any possible contention that this attack on due process and appeals in death penalty cases is not a knowing attack on those rights generally, too. And the inclusion of such a seemingly non-partisan and distinguished body is intended to legitimize this descent into revocable repression.

On 2/Feb/90, Benbo told the Senate Judiciary Committee that children were more likely to respond to aggressive law enforcement and assured punishment (read: repression) than to education. Drug Policy Director Bennett is the former secretary of education and the person presently responsible for delivering the country's youth from the ravages of drug abuse. This statement demonstrates a belief that conformity to social norms decreed by the hierarchy should be imposed by force rather than built consensually within communities. He further claimed that young drug abusers — and to him any use is abuse — are knowing users, not innocent victims and said that he would therefore choose tough policy over education every time. In a further indication of Bennett's draconian attitudes, he called for the extension of the death penalty to money launderers on *Face the Nation* on 18/Feb/90. He likely means launderers of drug money only because no one has heard him denigrate financial buccaneers of the Ivan Boesky ilk whose speculative and manipulative scams, both legal and illegal, are inherently money laundering. Like the Czar for which his position is unofficially called, Benbo likes to insist autocratically that his methods are the only methods and that all others are "stupid" "atrocious" and "surrender". Can an administration whose members hold such attitudes be trusted to make major changes in the police and court apparatus that will increase their freedom and the quality of their lives? Can they be expected not to implement the police state their rhetoric implies? The power and position of their class can't be maintained without it.

## German Red Army Faction Communique

The Red Army Faction in Germany issued this communique on Dec/2/89, after the assassination of Germany's top financial boss.

"Revolutionary processes are the experiences which, out of the agony between life and death, will lead to a determined struggle for life."

On Nov/11/89, we executed with the Commando Wolfgang Beer, the Chief executive of the Deutsche Bank, Alfred Herrhausen: we blew up his armoured Mercedes with a hollow-charge mine which we made.

The bloody tracks of two world wars and a million-fold exploitation run through the history of the Deutsche Bank. And Herrhausen was at the top of this power centre of the German economy in the European economic community; he was the most powerful economic leader in Europe.

The Deutsche Bank — that throughout Western Europe and in most parts of the world has become a symbol for the power and domination which is fundamentally colliding with the interests of people everywhere for a life with dignity and self-determination. Under Herrhausen's direction, the Deutsche Bank has worked its way up to being the largest bank in Europe and it dominates economic and political development. It has thrown its network over all of Western Europe and stands at the head of a fascistic capital structure against which everyone has to assert themselves. The bank has been preparing a breakthrough in Eastern European countries for years; now it stands there, and others are crouching in the starting-blocks, to subjugate the people there again to the dictates and logic of capitalist exploitation.

Herrhausen's plans against the countries in the three continents (Africa, Asia and Latin America), which are praised even in "left-wing intellectual" groups as being concepts for progress, are nothing more than an attempt to assure over the long term the existing relationship of domination and plunder. These plans extend and increase the suffering of the peoples there even more.

Imperialism produces a single pattern of worldwide destructive development to secure its profits and position of power: genocide, starvation, humiliation, existence-

insecurity and general destruction, create a situation which is uniform at its core — a situation which has taken on an existential dimension everywhere. Nowhere are the people able to really live according to their own ideas and values.

But the protagonists of this system must know that their crimes have created bitter enemies, that there will be no place in the world where they can be safe from the attacks of revolutionary guerrilla-units. We all, the whole revolutionary movement in Western Europe, are just entering a new phase.

The completely changed international situation and the whole new development here demands that the whole revolutionary process must be determined anew and be developed on a new basis. We are working on that and we want to discuss it with all who want to stop imperialistic destruction and who are struggling for another fundamental reality — one which is orientated to people — and who want this discussion with us. A "new phase" means for Europe, above all, a new formation of the revolutionary movement which is possible because many people want that and because the first steps have already been made. We conceive of it as a process of common discussion and practice in which the various experiences, ideas and critiques are openly discussed in order to understand the whole development and to come to common political goals and tangible ideas for the process of radical change.

The political prisoners in Germany must be a part of that discussion. For that reason and because the effort to destroy them must be finally stopped, their right to associate with each other in prison and their eventual freedom must be struggled for. In this new phase, we have to link the various and diverse revolutionary practices into one orientation against the system. The revolutionary process needs new dynamic and productive interrelationships; only together can the struggles develop the necessary strength to stop the destructive developments of imperialism and turn its whole direction of destruction around. Only together, as one front against imperialism, will we here in Western Europe, together with the liberation struggles worldwide, be able to carry through a unified, international and protracted process of radical change.

Fight together! ∞

People should not be deluded by the illusion of choice Bush and Co. try to create by pitting their vision of repression against democrat Biden's and the involvement of prestigious bodies like Powell's to legitimize what they have defined as the acceptable range. Flakes like Bennett make the right-wing, anti-democratic assault on civil liberties of either vision seem reasonable. Bush says Biden's plan would be "tougher on law enforcement than on criminals." But they have fundamentally the same goal: to give the ruling class the tools it will need to maintain its hegemony. They differ only in inconsequential detail. Biden wants to exclude juveniles, the retarded and racial patterns in the application of the death penalty and would allow a slightly more decorous eighteen months for appeals. He does not say how the exclusions would occur. Nor would he stop killing people to show that killing is wrong — and doesn't rule out killing people to show disapproval of other things. He would require the use of search warrants but would make the requirement toothless, leaving the "good faith" evidence legal. And Biden would give much more money to the police and FBI so they can escalate their dirty deeds. Biden also surpasses Bush in the effort to disarm the people by outlawing and further criminalizing use not of the weapons that are most used in predatory crime, but those that are most effective in deterring and resisting and oppression. The lack of choice in these choices is one more indicator that it is time to stop thinking that it can't happen here. It is already happening, just as "it" is in retreat in many places that made us fear it. ∞



# Big Brother Is Listening

Since early Nov/89, a wave of disclosures about a fifteen year avalanche of electronic surveillance by state police in Connecticut has snowballed the scandal into national proportions. The crux of the revelations was the taping of virtually every phone call (except those by commanders and their rats) into and out of thirteen state police barracks in the state. Thousands of people held in these places after being arrested were secretly taped, even in privileged conversations with attorneys. The taping began in 1974 and increased sharply after 1983 with the appointment of Lester Forst, an ex-Marine Colonel, as Commissioner of Public Safety and the purchase of hundreds of thousands of dollars worth of new surveillance equipment. This was despite the fact that this and subsequent taping was illegal pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and 1986.



Graphic by Rafal-Olbinski

## Let the Buyer Beware

Four alleged members of the Provisional Irish Republican Army (IRA), three Irish and a Canadian all living in Florida, were arrested on 13/Feb/90 for purportedly trying to buy arms. According to the FBI, the bust ended a two month investigation and was precipitated by one of the four men allegedly paying an undercover agent \$50,000 for a stinger missile on 12/Jan.

If these people were, indeed, guerilla representatives and were, in fact, trying to obtain something with which to combat that bane of the guerilla, the helicopter, they were doing the right thing. But the enemy is paranoid and particularly paranoid about rocket weapons. Illustrating that, is the U.S. government's rating them the highest in its transportation security system in which automatic weapons are only category II. The paranoia stimulates it to try to entrap people seeking advanced military hardware for guerilla use, presumably out of desire to avoid having less fun when the rabbit's got the gun. Examples include the big bust stemming from the sale of a fake LAAW rocket with a homing device in it to a Chicago street gang and the fact that two of those on the FBI's most wanted list are radicals who had been looking for explosives — and now this incident. The moral of the stories is that without complete confidence in one's sources, if one can't make it or steal it, forget it. ∞

## Highly Recommended

The prison issue of *New Studies on the Left* will be a standard reference work on political prisoners and prisons in general for the decade. Both Bill Dunne, and the Committee to End the Marion Lockdown, have major pieces on Marion in the issue. A longer review of the book-size magazine will be included in our next issue so all that needs to be said at this point is that if you're interested in the struggle against prisons at all, send for this issue. Cost is \$10., prisoners need not worry about not having the price of the magazine. Write to the Saxifrage Publishing Group, 1484 Wicklow Blvd, Boulder, CO. 80303

The surveillance did not stop with the barracks, however. With strong support by Governor William O'Neil, troopers launched a vigorous snooper offensive against political protest. Some of its excesses in 1983-85 were detailed in New Haven, CT newspapers. Another scandal broke over the spying in '85 when State Supreme Court Chief Judge John Speziale was discovered to have been a target of the police intelligence unit due to his criticism of the police and their phone surveillance. Out of that case, the police were found to have a file on the judge full of innuendo and unfounded rumors — as well as similar files on 29,000 political activists and suspected criminals. In '87, State's Attorneys were publicly critical of police snooping when it reached them, too, but they lost the turf war when the governor backed the police. The eavesdropping was also criticized in '89 by the State Legislature's Program Review and Investigations Committee. Outside the government, defense lawyers have filed a class action lawsuit that is expected to attract 4000 plaintiffs. But despite growing opposition and revulsion, there is no indication that the abuses have been corrected permanently.

As bad as the Connecticut example may be, it is by no means an isolated case. On 18/Dec/89, the U.S. House of Representatives' Judiciary Committee's Subcommittee on Courts, Intellectual Property and the Administration of Justice held a hearing that exposed stories about police department spying similar to that in Connecticut in New Jersey, Rhode Island, Utah and West Virginia. In at least five others, Georgia, Iowa, New Mexico, Oregon and Wyoming, prison officials were heard to be routinely taping the private conversations of prisoners. Robert

Kastenmeier, Chief of the Subcommittee, said he'd also had reports of illicit police tapping in nine other states, but wouldn't name them.

The federal government also undertakes massive illegal surveillance of its own. The Socialist Workers Party's 1988 victory in litigation contesting 30 years of spying, the COINTELPRO, and the constant revelations about bugging and other snooping on activists and groups like CISPES are only the grossest examples. And federal prison authorities have admitted taping legal conferences between, for instance, Yu Kikumura, accused of being a Japanese Red Army member, and his lawyer, William Kunstler. Taping of prisoners' calls is de rigeur at USP Marion. Federal practice makes big brother's concern about the little brothers' surveillance excesses ring hollow.

A manufacturer and distributor of phone taping equipment who wished to remain anonymous described the Connecticut and Subcommittee disclosures as only drops in the bucket. This person cited many colleagues for whom police work is big business. When it comes to money, these suppliers of instruments of invasion of privacy become blind and deaf and dumb. With all the money the various big and little brothers are pouring into the agencies of a police state in the name of "fighting crime", the invasion can only escalate. Kastenmeier's Subcommittee won't be any help; it helped whitewash the repression of USP Marion. And what can be expected from a body that substituted "Intellectual Property" for "Civil Liberties" in its title? ∞

## International Notes

**FORCED DRUGGING APPROVED:** On 27/Feb/90, the U.S. Supreme Court gave prison officials "broad discretion" to give prisoners psychotropic behavior control drugs against their wills. Prisons do not have to go to court before forcing medication on prisoners, according to the court. The case in which the decision was made was that of a Washington state prisoner who had been taking anti-psychotic drugs to control alleged violence but stopped due to their hazardous side effects. The prisoner appealed. The court ruled 6-3 that the prisoner did not have a right to a court hearing prior to drugging and, essentially, that prisoners could be drugged if a prison psychiatrist thought it necessary. This is an exceedingly dangerous precedent. If the next issue of *PNS/M* is not too smooth, you'll know why!

**HEN'S TOOTH OF SANITY:** The Tribble decision in federal court said that whether there was a legitimate penological objective to forced rectal probes (aka finger waves) of prisoners that would make them constitutional was a matter for the jury to decide. That precipitated the setting of about fifteen lawsuits against the brutal, gratuitous, and/or retaliatory use of this digital rape for trial. Seven trials have already been held, and the prisoners recovered up to \$2000 apiece — not much, but the first damage awards any prisoner has ever recovered in a jury trial in the Eastern District of Washington. Despite being clearly wrong and having clear losers in these cases, the state has spent about \$100,000 defending and has been refusing to settle. The remaining cases are scheduled for March trial. Unfortunately, the only thing that will be stuck into an orifice of the state in court will be figurative.

**MARTIAL LAW GOES BUT PRISONERS STAY:** The old-guard, hard-line of the Chinese power elite wants the world (but not its subjects) to forget its murderous suppression of the mass occupation of Tienanmen Square in Jan/89. It wants the world to forget the wave of demonstrations for popular empowerment sparked by widespread revulsion of official corruption, disenfranchisement and repression intended to maintain the status quo that resulted in the occupation. It wants the world to forget the blizzard of arrests, executions and brutality it used to reassert its domination in the aftermath of Tienanmen Square. It apparently fears getting left in the economic dust of a rapidly liberalizing Eastern Europe in the competition to open its people to exploitation by rich capitalists. Accordingly, it recently lifted martial law for the first time since the Tienanmen Square atrocity. But the *Washington Post* reported in Dec/89 that 800 additional people had been sentenced for "counterrevolutionary"

crimes in recent months — up to ten years for the likes of posting anti-government leaflets. Nothing has been said about pardons, amnesties or time cuts. Repression coverage by the Chinese press has dropped to virtually nil. But the imprisonment continues.

**AGAINST THE TIDE:** On 9/Feb/90, the Nicaraguan government released nearly 1200 prisoners from the Central Prison at Titipapa near Managua in what it described as a gesture of national reconciliation. The release sparked some controversy because all of the releasees were former contras and included former torturers and officers in the infamous national guard of Anastasio Somoza-Debayle, the dictator overthrown by the revolution. Thirty-nine had been convicted of atrocities before 1979. Criticism also stemmed from the fact that most of those released had not been re-educated and many were unrepentant of their crimes. While as a general rule it is better for the community to deal with its members whose practice is exploitative and oppressive, the contra experience in Nicaragua has shown that isn't always possible when a minority acting thusly has access to large resources with which to do so. Nevertheless, the move is diametrically opposed to regional trends of increasing repression and imprisonment.

**THE ONES THAT GOT AWAY:** Early in the morning of 11/Feb/90, six prisoners slyly and surreptitiously sawed and slipped and slid their way to freedom from a special disciplinary segregation unit at Joliet maximum security prison in Illinois. Unfortunately, only one remains at large. Some guards were suspended after the breakout, apparently on suspicion that they had either supplied hacksaw blades or had turned a blind eye. The escape can only be viewed as positive, considering that such things help keep prisoners' consciousness of the real world healthy. Additionally, present practice in the American Gulag Archipelago is more likely to make its victims a greater threat to the community than less. Any rehabilitation that occurs happens despite rather than because of the system. ∞

## Convictions

magazine - poetry, art, fiction, news, law, analysis and more; a publication by and for prisoners and their people; quarterly. Subscriptions \$8/yr. for prisoners, \$10 non-prisoners, \$15 institutions; Canada add \$1, overseas add \$3. From: Convictions, POB 1749, Corvallis, Or 97339-1749.



# Nineteen Years of Injustice Can't Be Removed

by Bulldozer

In 1971, Donald Marshall, a 16-year old Micmac from Cape Breton Island in Nova Scotia was convicted of murdering Sandy Seale, a young black friend in a Sydney park. In 1982, Marshall was released from Dorchester prison after a new investigation by the Royal Canadian Mounted Police (RCMP) who serve as the provincial police. They found that there wasn't enough evidence at the original trial to support the conviction. The provincial Court of Appeals acquitted him the following year. In 1987, an older man, Roy Ebsary, was convicted and sentenced to three years, later reduced to one year on appeal, for the killing.

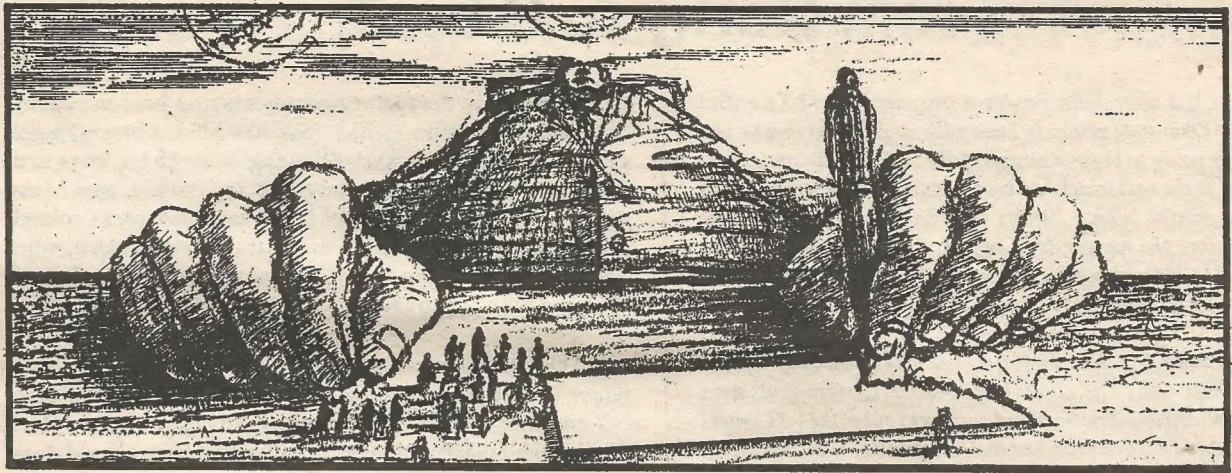
This might seem like a fairly straight forward story. After all, it is not so uncommon for a poor, young, Native to be convicted for a crime he didn't commit. But it was not until January of this year when a royal commission of inquiry released its official report that Marshall was completely exonerated for his role in the whole matter. The report concluded that "the criminal justice system failed Donald Marshall at every turn, from his arrest and wrongful conviction in 1971 up to and beyond his acquittal." It continues that "the tragedy of this could have, and should have, been prevented or at least corrected quickly, if those involved in the system had carried out their duties in a professional and competent manner."

Everyone who had anything to do with the case, from the initial investigation to the Court of Appeals which acquitted him are accused by the report of incompetence, racism or malice. Some examples: The Sydney police were "incompetent to the point of negligence" while the actions of the senior detective John MacIntyre "went beyond improper practice" as he threatened potential witnesses so that they would fabricate evidence in order to support MacIntyre's theory that Marshall was guilty. Marshall's defense lawyers, including one of the "best" in the province, conducted a totally inadequate defense for which they failed to conduct any independent investigation. The trial judge made so many major and obvious errors that he "denied Marshall a fair trial." These errors were missed, or ignored, by both the defense lawyers and the Court of Appeals.

Ten days after Marshall's conviction, a new witness fingered the real murder. The Crown prosecutor and senior officials of the Attorney-General's department failed to disclose the new evidence even though an appeal was underway. The RCMP inspector called in to check out the new evidence did nothing but talk to MacIntyre and review the old contaminated evidence. This cover up continued even after Ebsary's daughter came to the police in 1975 to say that she had seen her father wash a bloody knife on the night of the murder.

The five judges of the provincial Court of Appeals who did acquit Marshall in 1983 did him no favours. In a classic case of blaming the victim, the Court concluded that "any miscarriage of justice is more apparent than real" and that Marshall was "the author of his own misfortune." The report shows how the judges made selective use of the evidence, including information that was not even introduced during the trial as evidence, to take the whole system of justice off the hook, and blame Marshall for his own conviction. It took over four more years before the provincial government finally called the inquiry. During this time the province negotiated compensation of \$270,000 for Marshall, with his legal fees accounting for over a hundred thousand of that amount. Even on the issue of compensation, the report shows how the Attorney-General's department preyed on Marshall's frail emotional health so that, in the words of the Attorney-General, "to get the best deal we could" rather than trying to reach a just level of compensation.

Government reports aren't usually worth the paper they're printed on and this won't be any exception. The report was clear on the role racism played in the case and it documented both the past and present racism directed against the black and native population of the province. As it said, "we are convinced that if Marshall had been white the investigation would have taken a different course." But surely, though, it doesn't take nineteen years, millions of dollars and eleven years of a young man's life to find the obvious — that racism exists in the Canadian justice system. It might be big news for the white establishment, but native people and people of colour who experience the racism directly have been saying so for years. But their voices are silenced and their protests against racism are discounted, marginalized and ignored.



With the generosity that can only come from complacency of power, the liberal wing of the establishment, whether they're from the media, or are "progressive politicians" or "concerned citizens" can make a big deal of discovering the "existence" of the problems affecting those kept on the margins of our society. While they may be willing to discuss "racism" when pushed far enough, when they can no longer keep the stench hidden, what is never discussed is the willingness of those in power to continually cover for each other. In the Marshall case it involved everyone: local police, the RCMP, prosecutors, defenders, civil servants, politicians and judges. Given the conservative assumptions of those in positions of power — which is supported by their experience of the indifference of most Canadians to abuse of power — it is assumed that the poor and powerless will suffer in silence. Moreover, there is an implicit assumption that any mistakes or dirty deeds will be covered up by the other hierarchies involved. This was the experience in St John's, Newfoundland, where years of chronic sexual and physical abuse at a boarding school for boys run by a Catholic order was covered up in the mid-seventies by the police and politicians after it was reported by a number of sources. The extent of the violence, which continued for years, was only revealed during another inquiry during the past year.

The overwhelming issue is not the jailing of a young Micmac, or the abuse of young boys by those charged

with their education and nurturing. As outrageous as these incidents are, inquiries into these situations, as revealing as they might be, only obscure what is the real issue, that it is power itself that is the problem. The local merchants, and corporations from central Canada or elsewhere, extract their profits while having confidence that the local elites will run things and keep everything quiet. The ruling elites, whether we are talking about a city, a province or the whole country, become enchanted with their ability to do as they like. Whatever differences that might divide these elites, they all have a vested interest in protecting the idea of hierarchical power itself. And by apparently "exposing the abuses of power" they only solidify their collective hold on power itself. It will not be government inquiries or policies that will end racism in the justice system. That will only come about when the justice system as such is destroyed.

*Justice Denied* is a TV-movie about the Marshall case. Given the huge demand for TV movies these days, it will probably make the rounds on the movie channels in the U.S. The main criticism of the movie are that it shows Marshall and Seale's attempt to rob Ebsary as leading to the stabbing. The inquiry made clear that there was no robbery attempt. As well, the mounties (RCMP) who finally did re-open the case, are given the stereotypical role of the "good cops" for my liking. Otherwise, it is quite a strong movie, with Marshall's parents playing themselves. It is worth a watch. ∞

## Small Victory for Native Activist

A North Carolina Supreme Court panel on 19/Jan/90 overturned a lower court ruling denying Edie Hatcher, a Native American activist, the right to be represented by the counsel of his choice. Edie is on trial on state kidnapping charges that grew out of the 1/Feb/88 seizure of a Lumberton, NC, newspaper, *The Robesonian*. The action was undertaken to publicize corruption and discrimination by Robeson County police and officials. The agreement that ended the occupation included the provision that Edie and a codefendant would be tried only on federal charges. Two months after they were acquitted of the federal charges in Oct/88, the state reneged on the deal and indicted the pair for kidnapping.

### Spanish Hungerstrike

*continued from centre*

human rights as long as they remained conscious. The prison administration replied that they would not participate in someone's suicide. The mass media have taken a position that the hunger strikers should just be left to starve. Support for the prisoners have come from liberals, church groups, anarchists, communists and the various separatist movements. Three police have been killed as part of the outside support campaign.

please write to:

Antonio Asuncion  
Direction General De Instituciones Penitenciarias  
Ministerio De Justicia  
Calle San Bernardo/47 Madrid  
28015

Agencia Suprema De La Cruz Roja  
AFAPP  
Calle Federico Rubio/No 3 Madrid, Spain

Edie was eventually recaptured, and the prosecution began. A Superior Court judge ruled that out-of-state lawyers could associate only with private attorneys and not with public defenders, thus denying Edie the assistance of civil rights lawyers William Kunstler and Ronald Kuby, who had volunteered to join him. The 19/Jan ruling shows that such a blatant attempt to sabotage Edie's defense was too egregious for even the North Carolina Supreme Court. But while the ruling reversed the denial of Edie's right to counsel of choice, it did not guarantee it — it only put the decision back before the lower court. In such an atmosphere, the whole trial will be an uphill battle. If you can help with it, contact the Robeson Defense Committee, P.O. Box 1389, Pembroke, NC 28372. ∞

The change in format for this issue is part of a process of launching a new magazine which will build on the already existing sections of *Prison News Service* and *The Marionette*. We will be adding a third section which will be much like the old *Bulldozer* magazine. One of the main strengths of *Bulldozer* was in the participation by various prisoners contributing diverse articles exploring various aspects of prison-life. Please send any articles, art work (please try to do graphics in ink-colours other than blue), letters and correspondence. The new format will be developing over the next few issues, so feel free to contribute if you got something to say to other prisoners.



# Hungerstrikes In the U

## From Gorky to Siberia

In our last issue, John Perotti, a prisoner in the J-1 Control Unit at the Ohio state prison in Lucasville, announced that he and others were going to begin a hungerstrike on Feb/14 to protest the conditions in the unit which had become particularly barbarous. In a letter reprinted below, Perotti describes a severe beating he received before the hungerstrike began. Another prisoner in the unit, Gerald Valdes, describes the response of the other prisoners in support of Perotti and the need for solidarity.

John Perotti, in a second letter postmarked Mar/5, said that he, and the others, had called off his hungerstrike. Certain goals were achieved. Perotti and Eric Swafford were sent out of the J-1 Control Unit and Mike Day was promised that he too will be transferred out. The state police are investigating Perotti's beating, while the Governor has also promised an investigation. As Perotti says, one can't expect much from these investigations, but it will make it more difficult for stormtroopers in J-1 to jump on anyone else for a while. Wayne Taylor and nine other brothers joined the fast for 7 days in Wisconsin; Effren Gamboa and Phil Scalice from the I.M.U. unit in Skelton, WA joined in as did Veronica Compton and Suzzane Sprights from Gigi Harbor, WA. There have also been reports that prisoners joined in at Marion.

Control Units in the state prison systems have been expanding rapidly. Marion, the model for these units, has come under much scrutiny from the outside, but the state units have seldom been targeted. This hungerstrike could be the first move against all these control units. We would like to hear from people in these Units so that at least they can be revealed in these pages. And those inside need the support and solidarity of us on the outside to begin dismantling them..

On Feb/2/90, over ten prison goons came into the Southern Ohio Correctional Facility (SOCF) J Control Unit, where I was confined, wearing gas masks and carrying shields. Wooden and Plexiglass shields were slammed up over the bars of my cell, turning it into a Vacuum as the goons then began emptying cans of CS gas, apparently called "Mr. Clear Out". This went on for approximately 30 minutes until I was close to passing out. I was then ordered to back up to the bars, where my hands were cuffed behind my back, cutting off my circulation, and my legs were shackled. I was then thrown face down on the floor and kicked repeatedly. The goons participating were Sgt. Swann (against whose cousin I won a lawsuit for beating me in 1983), Sgt. Buffington (who was supposed to be videotaping the incident, but conveniently stopped during the beating), guards Seth, Thurman Wales, D. Cox, Logan Vaneer, Ruth and Shonkweiler. I was then taken/dragged to the shakedown area where my fellow prisoners were sitting on a bench. Nurse Nancy Morelli was called and rinsed out my eyes which were swollen shut from the gas and who ordered that I be given a shower. These same guards pulled me toward J2

Cellblock and threw me in the bottom range shower. Again, Sgt Swann began squirting "Mr Clear Out" gas in the shower stall, the shields were thrown up in front of the bars and I was gassed for another half hour, ordered to backup and again cuffed behind my back and legs shackled so tight I still have scars. I was dragged naked out to the corridor and to the shakedown area, where I was beaten again, forcibly dressed in a fluorescent orange jumpsuit and dragged and thrown face down into a van.

Pigs Cox, Logan, Vaneer and Shank@ then began beating me with their fists and sticks while Sgt. Swann looked on with tacit approval. My comrades in J1 Super Max could observe all this out the windows and were yelling for the pigs to stop beating me. I was then dragged, bleeding from my face and head back into the shakedown area, held face down on a table while the same pigs plus more removed my

jumpsuit, made derogatory comments and beat me again. Federal leg restraints (which look like MS leg braces) were placed on my legs backwards, along with the leg irons and my hands remained cuffed behind my back. I was again dragged and throw face down in the van while pigs Cox and Wales took turns punching me in the face and head, with Shonkweiler laughing and calling me names and Sgt. Swann grinning with approval.

This continued all the way to the Ohio State hospital, where I was thrown into a wheelchair, wheeled to a holding cell and thrown face down on the hard concrete floor then lifted up and placed on a bench, still cuffed from behind, legs braced and shackled, bleeding from the head, mouth and nose. The other prisoners were given lunch while I was ridiculed by my oppressors after the other prisoners had eaten. I was thrown back in a wheelchair and then back to the SOCF while pig Cox boosted about the many assault cases he had been to court on, and how he hated "niggers". SOCF at its finest.

Upon returning to SOCF, I was marched over to infirmary, where Dr. Mengele's twin — Dr. Juan, briefly looked at my wounds, announced that "the blood is dry, he can go" and I was marched back to J1 Control Unit and placed in a filthy Boxcar cell. Repeated requests for bandages and pain medication were ignored and I was told to "get on sick call Monday."

Monday, Feb/5/90, the state Highway Pigs came in and took photographs of my blackened eyes and nose, chipped teeth, and cuts on my ankles and wrists. Upon return to the Control Unit, the pigs had torn up our cells and property. These "shakedowns" were repeated each shift, the snitch porter whom the Gestapo employs to feed us, threw our trays and drink in the cells on us. Behavior Modification was in full force.

Friday, Feb/9/1990, a State Highway pig, 2 of the guards who beat me and another goon holding a video camera came in J1 and cuffed me. I was removed from the Control Unit and SOCF in a van, with a State Highway Pigtrout escort and brought here to Siberia, or Lebannon Cor. Institute. We were met at the gate by the Warden, a major, a whole slew of captains and "suits". I was marched down the hallway, hands cuffed behind me, leg shackled and surrounded by these officials, to the infirmary, where a doctor looked over my wounds. I was then taken to the head of Security's office, Captain James, who proceeded to tell me that they have gas, sticks and riot shields here too, that I wasn't wanted here, that I came from the hole and would be in the hole here, then ended by telling me I would need to get a haircut and my beard cut or force would be used to cut it. I was marched to the hole, sheared like a

lamb and placed in the last cell on the tier in L Block, which had just been opened that morning for my "convenience" where I remain to this day (Feb/19/90), under harsher restrictions than in the Super Max "Gorky" Control Unit at SOCF. I have been denied my legal work, personal property, visits have been cut off and I've been observed like a bug under a microscope by every official in the prison.

On Feb/14/90, I along with others of my comrades, began our Fast for humane treatment. On Feb/16, I was marched into a room where the Asst. Warden, Doctor, Head Nurse, Unit Manager, Chaplain and other Brass were packed into. I was read the rules that if my weight dropped to a certain level, I could be removed to another max prison isolation cell, my liquid intake monitored and if necessary, force fed. I was asked why I was fasting, and replied that it was to stop the



brutality and inhuman conditions so that the future generations are not subjected to what we are subjected to. This brought smirks to some of their face, but certain mentalities will never understand love for the children and oppressed.

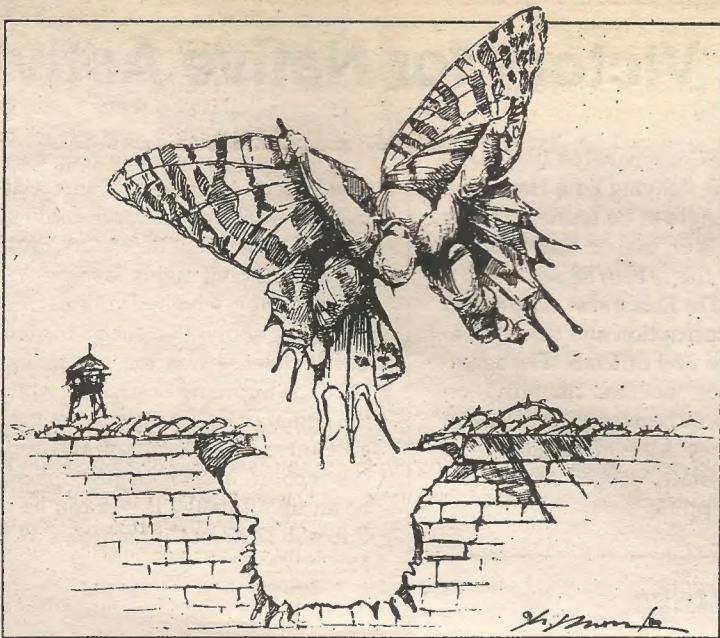
The day of our fast, my brother and comrade Sudan Swafford was escorted out of Gorky at SOCF and transferred to Chillicote Corr. Institute, or Auschwitz. They can physically divide us, but never conquer or break our spirits. We have started a movement here, and it is up to our comrades to carry on the message until the racism, sexism and oppression is halted. The prisoncrats have been ruling their fiefdoms with impunity for far too long. We must rise up in solidarity to bring about positive change. We must set examples for those who are not as strong, so that they too will join together

### Gerard Valdes

I am here to tell you about what we prisoners here at Lucasville call "The Jungle", or sometimes "Vietnam". We use these words to describe J1 Supermax, which is a State run "Control Unit" based on the Behavior Modification lockdown unit at Marion prison. We use the various names because of the goings on in the Control Unit, at different points and times we have been at "war" with the prison guards here in J1 Supermax fighting for our lives and sanity at the same time.

I keep saying us, because you cannot do time in the Control Unit alone. You must depend on your fellow prisoners to help you and back you up when you are threatened by the guards. At the time I'm speaking of, there was only 10 prisoners in the Control Unit including John Perotti. The prison officials had set him up on one side of the block all by himself while the rest of us were left on the other side of the block and could not see him. They had isolated him for the kill so no witnesses would be present. It was a quiet day and nothing was really happening. We were discussing why Perotti was isolated and what they might do to him. This is what we call "the huddle", getting our plan of attack ready if anything were to happen to Perotti.

We also discussed the different psychological tactics that they (guards) try to use on us, such as withholding our





# United States and Spain



and protest man's inhumanity to man. More and more camps are being built to cage us. The ruling class is manipulating the masses by their War on Drugs, Get Tough on Crime, while steadily pumping in the drugs to the poor and oppressed, turning them to crime, while making billions of dollars in the process. The rich get richer, the poor get poorer. Everyone recognizes political prisoners except Amerikkka, who labels them terrorists or criminals. Where are the activists? Where are the grassroot movements? Where are the People? More importantly, What about the Children?

John Perotti  
POB 56 #167712  
Lebanon, OH 45036

## Lies and Repression in Spanish Prisons

Reprinted in the last issue (#22) of the *PNS* was the ending of a prison hungerstrike in Spain by members of GRAPO and PCE(r) (Spanish acronyms for the First of October Anti-Fascist Groups and Spanish Communist Party (reconstituted)). The strike was begun on 21/Aug/89 to back demands that the rights to humane and dignified conditions, political and collective association in a single prison, and the maintenance of relationships with the streets be respected.

After long, hard struggle, these rights had been recognized and affirmed in a 1981 agreement with the previous, Democratic Center Union (UCD), government of Spain, to which the International Red Cross attested. In the summer of 1987, however, the Spanish Socialist Workers' Party (PSOE) government reneged on the agreement. There followed the breakup of the prison collectives, limitations of outside contacts and the imposition of conditions that have been deteriorating ever since.

The Aug/21/89 hungerstrike culminated the resistance to this treachery. It was brought to a successful conclusion by the prisoners when a representative of the General Administration of Penal Institutions agreed to the above demands before the Judge for Penal Vigilance of Madrid. The *PNS* report was one of a significant victory.

The victory was short lived. The PSOE honored its commitments for less than two months. At dawn on 9/Nov/89, eight PCE(r) and GRAPO members in two prisons were transferred to separate, distant prisons. The following day, the comrades responsible for securing the agreement with the government that ended the 21/Aug hungerstrike were similarly snatched to isolated jails. These moves were an escalation of reprisals and harassments that came in the wake of the Spanish electoral machinations that ended with the reelection of the PSOE government on 29/Oct/89. PSOE realpolitik postponed the most blatant renewal of its treachery in order to avoid reaping the political liability for the repression at the polls.

The political prisoners view their situation as a new wave in a concerted campaign by the government to liquidate them politically — even physically. Suspicions are that, given current harassment and brutality and threats of creating prison death squads, the effective disappearance and debilitation of isolation is intended to make physical elimination easier. The government expects these prisoners to abandon their politics, criminalize themselves and to follow a program of repentance and political "rehabilitation". Pressure to conform is applied to the prisoners in the form of beatings, threats, food adulteration, humiliations, interference with mail, isolation and other abuse.

Accordingly, the GRAPO and PCE(r) prisoners and a libertarian prisoner have proposed a new phase of prison resistance in Spain. They are calling for a renewal of the prison collectives destroyed in '87 for political prisoners of all the tendencies represented in Spanish jails, be they communist, anarchist, Basque, Catalan or Galician nationalist. They call for unity against the common enemy. The PSOE government that is victimizing all of them is socialist in name only; it defends an economic structure that allows wealth and privilege amidst high unemployment despite unprecedented growth and brutality inside. They issued their call on 11/Nov.

In furtherance of this new phase of resistance, more than 60 of these prisoners began a new hungerstrike, an unlimited hungerstrike, on 30/Nov/89. After a month on hungerstrike, many of them were in serious conditions and eleven had been transferred to prison hospitals. On 23/Dec/89, members of the Basque organization, Association of Family and Friends (AFAPP) began occupying the offices of the International Red Cross in support of the strike and planned to stay until it ends. Other groups such as the Basque separatist ETA and the national workers' confederation CNT and various humanitarian organizations are supporting the prisoners and have asked the government to accede to the demands as well as voicing concerns that the mistreatment of political prisoners has raised over the mistreatment of prisoners generally.

The government has responded with attempts at forcefeeding. This cause four of the hunger strikers to begin refusing all water. AFAPP tried to seek a negotiated settlement, but the government categorically refused to even hear the proposals. It seems bent on making the prisoners hostages in the face of resurgent clandestine action and increasingly successful operations by PCE(r), GRAPO and ETA in particular. Retaliatory brutality and repressive conditions appear to be being inflicted on prisoners in reprisal for the accomplishments of their comrades outside. But this illegal and reprehensible oppression notwithstanding, the prisoners remain solid and steadfast in their primary demand: bring all the political prisoners together in one prison under proper and humane living conditions. ∞

### Update on Spain

As of March/15, forty-two prisoners remained on the hungerstrike. Of these 30 were being force-fed. A representative of AFAPP who was participating in one of three sit-ins at the Red Cross to support the prisoners said that the situation would reach a critical state in 8 or 9 days. None of the prisoners have lost consciousness, but some are precomatose. The force-feeding has happened in spite of a court ruling that it violated their

continued on page 3

## The Jungle

mail, keeping mail we send out, having groders harass us and threaten us with the guards approval. Groders are inmates that have been brainwashed into being dependent on the administration and they snitch on whoever or whatever they can here or see. Sometimes they make up lies on certain individuals targetted by the administration so they can be locked down and isolated from the rest of the prison population.

As we were in the huddle the prison guards and several Sgts., who are known as "white shirts", came into the block quietly on the side where Perotti was. No one heard them come in. The white shirts then began to mace Perotti with a gas called "Clear Out", which gets its name because that is exactly what it does. It constricts your windpipe so that you can not breathe. It is made for riot control, and is to be used in open areas, not closed in 8'x10' cells with no ventilation. In that case, it could be lethal!

When we heard Perotti hollering and the prison guards laughing, we knew it was time to go to "war", we could not do much except bang on the bars and raise a lot of hell, start yelling and flood the ranges in the hopes of distracting the guards from doing what they planned to do. We all hollered and screamed and told the prison officials that if they killed him, they would have to kill us all! In "the Jungle" it is all for

one and one for all. The prison guards saw that we were ready to put our lives on the line for a fellow prisoner. We were all convicts, we knew the score, because if we all stayed quiet and did not stand up for ourselves and everyone else, then we could be the next "accident" to occur in J1 Supermax.

They tried to threaten us and quiet us down so they could do as they pleased with a defenseless man, gassed down and outnumber ten to one. We would not back down, which resulted in a physical confrontation between us and the guards. They used tear gas and high pressure firehoses on us and we used bars of soap, shampoo bottles, deodorant bottles and anything else we could find that would serve our purpose. Being overcome by the tear gas, I demanded to see a doctor. The guards only laughed.

The next thing I remember I woke up handcuffed behind my back, shackled and strapped to a stretcher and was told that I was OK. I was then taken back to the Control Unit, where all hell was still breaking loose. The guards used me as a shield as they put me back in my cell. Once in the cell everyone asked if I was alright. I said, "Yeah, bros, I'm still alive." Then we resumed our battle with the guards. Now their attention was focused on us and not Perotti, which was our main objective, so we accomplished what we set out to do.

We were at "war" late into the night and did not let up until the prison guards were worn down and tired. They asked us what our problem was. We all told them in more words than one that we would not stand by and watch them kill a fellow prisoner and that we would not let up until they agreed to put some of us over on the same range as Perotti.

They only have 5 "boxcar" cells in J1 Supermax and they placed Perotti and several others in those cells for "disruptive behavior". But at least Perotti would be surrounded by people he could count on when it came down to the wire. They would be willing to stand up and be counted for when the prison guards sought to keep us quiet. Most of us have been released from "the Jungle" and are in regular Administrative Control, but Perotti was left behind, stuck with new people who would not stand up for themselves and others around them. The prison guards took advantage of this situation and we heard of repeated incidents where the guards beat and gassed Perotti.

Not being able to physically assist John, we began a letter writing campaign to high level prison administrators whose job it is to investigate abuses of this nature. With so many letters coming in concerning the Jungle and Perotti, they came to the Jungle for an unexpected visit and personally

Continued on back cover



# The Marionette

Number 47 January-February 1990

## Another Season of the Press

Recent weeks have seen an upsurge in interest in USP Marion by the establishment media. It is unclear whether this attention was solicited, influenced, or natural. The *Newsweek* article of 15/Jan/90 entitled "A New Home for Noriega?" seems to have been motivated partially by speculation (advance knowledge?) that Panamanian prisoner of war Manuel Noriega will eventually end up here — though the reporter was here gathering information long before he was captured. A CNN camera-person told a prisoner last summer that their crew was here on speculation that all the Colombian drug lords President Bushbo was fixin' to round up would end here. But none have been rounded up and it appears that intention was more rhetorical than practical.

*Newsweek* has not been alone in the late interest. On 25/Jan, the tabloid TV "Inside Edition" came right down the tier in E block (unusual) with cameras and long microphones on long poles — which were used to record the warden being urbane to prisoners locked in cells. Another TV program called "Inside Report", syndicated out of WSVN, Miami, FL, was supposed to have a crew here on 23/Feb, but they didn't make it until 25 & 26/Feb. But the *Newsweek* article is the only one to have been distributed so far and judging by past experience, it most likely conveys most of the same ol' discredited misconceptions the others will push.

Virtually from the beginning, *Newsweek* repeats tired old administrative propaganda about who is at Marion, complete with "worst of the worst" and "rotten apples in one barrel imagery". That the author Christopher Dickey, was duped by the Marion public relations squad (willingly or unwillingly) is clear from his parroting of these lines. According to former director of Illinois Department of Corrections Michael Lane, Marion prisoners are no different than prisoners in other max prisons, and his experience makes him a bit more credible. And the only serial killer he can point to at Marion is the racist J.P. Franklin who is not here because of that, but to be protected. Few are perpetrators of viscous, interpersonal violence that are much more common in state maxes. Indeed, the few people Dickey describes as examples of notoriousness are all kept in a special unit with much better conditions not because they are especially dangerous but for protection. Statements like, "He was here when (prisoners) ran riot; murdering each other virtually at will" indicate how objectivity fares against sensationalism in his lexicon.

Hickey also recites a straight administrative line as to how Marion came to be what it is. All the blame is put on nasty prisoners who due to some inherent depravity just somehow reached critically malevolent mass that led them to inexplicably go on a binge of riot and murder — for more than 2 & 1/2 years! Riiiiight!! Nothing is mentioned about the conditions imposed on the prisoners, brutality, provocation, confrontational atmosphere, and prisoner mix that were all imposed by the staff. Instead, the article is laced with prisoner-vilifying anecdotes. And if this riotous situation is the excuse for the lockdown, why does it continue now that almost all of the prisoners here then are not here now? Apparently, too, the staff didn't care about "separates", the existence of which Dickey advances as an implied justification for the permanent lockdown, when it wanted a pretext to slam the prison down. Of events subsequent to the lockdown, Dickey conveys only glowing images of "success", as if even the allegations of brutality did not exist and the real costs had not buried the meager benefits that only arguably have accrued from the lockdown.

In the flat-out untrue category, Dickey claims that there is a "promise" of improved conditions for a year of good behavior. Nor does he mention that bad behavior

might be a crime so heinous as possession of a book or magazine passed on by another prisoner. He also describes the infamous control unit and calls it disciplinary



segregation for the rest of the joint.

The rest of the piece is a mixture of puff for the Marion operation and its staff and sensationalism, both apparently intended to say that everything is A-OK with Marion style repression and it is a tactic of imprisonment to emulate. One short paragraph out of four pages was devoted to "critics" of the lockdown. It reduced all of the vast criticism that has been the subject of thousands of pages of litigation and articles, not to mention demonstrations, to one: that Marion acts as a ball and chain that drags other prisons toward its repressive extreme. None of the evidence supporting this or Marion's many other improprieties is mentioned, not even anecdotally, as are many official claims. The *Newsweek* article is propaganda, not news.

It is understandable — but in no way justified — that the media of the ruling class should defer to the operators of its government institutions. Aside from commonality of interests, the media relies on government for much of its information, and individuals or organizations can be frozen out and thus rendered less competitive by it. Sometimes the depredations of government must be exposed (though only as the fault of individual knaves and never as institutional flaws) but Marion is apparently not one of them. Indeed, there seems to be a ruling class consensus that more repressive capacity is necessary and Marion is an instrument thereof. *PNS/M* has been bucking coercion to defer for half a decade, so look here for the deal! ∞

## Endless Trial Ends

In numbers 25 and 28 of *The Marionette*, the story of the harassment by incessant trial of William McKinney was explored in some detail. It was hoped — and reason indicated that it might — be the end of the story. Not so.

To recap: In September of 1983, William was taken to the hole to prevent retaliation, staff claimed, after a friend of his was found murdered. Three months after the imposition of the infamous Marion lockdown and its reign of terror in Oct/83, a Lt. Baker, upon his elevation to Supervisor of Investigative Services, made good a previous threat to "get" William and administratively accused him of the killing. He relied on "confidential information" to support the charge in an atmosphere of terror in which some prisoners had begun resorting to any means to escape the repression, including making up stories and trying to exchange them for transfers. William was severely punished administratively.

In August of 1986, after an inexplicably long delay, William was indicted for murder. Asst. U.S. Attorney Marsha Johnson had contrived the case in the complete absence of physical evidence. Her only "evidence" was obtained by dismissing separate murder indictments against two other prisoners in exchange for their testimony incriminating William. She made the arrangement in spite of the fact that the falsity of their statements had been shown in the different stories that they had told the FBI, prison and two different grand jury investigations, as well as in a sworn affidavit. She also dismissed a murder indictment against another prisoner stabbed in the same incident on the condition that he not testify that it was not William who did the stabbing.

Legal machinations continued for another year. The charge was not dismissed, the prosecutor denied obstructing justice, and the judge ignored the evidence thereof. The trial date was 24/Aug, but it was not to be. Prosecutor Johnson had neglected to obtain the main perjurer's signature on the plea bargain form and, having heard of the deal given to the prisoner for not testifying being better than his, he used the technicality to hold out for a better offer. Without that testimony, the judge was forced to dismiss the case. But he did so "without prejudice", meaning that William could be reindicted.

Instead of letting such a weak and convoluted case go, the U.S. Attorney obtained another indictment, this time throwing a conspiracy charge and another codefendant. In reality, the conspiracy count was a ruse to open the door to hearsay testimony and was later dismissed against the other prisoner. William was tried for murder and conspiracy to murder alone, and the trial was exceedingly dirty. Seven snitches, Pearson, Vaughn, Mercado, Harp, Scott, Ulmer and Crisswell incriminated William by perjury for various rewards, but there was still no physical evidence. The government lied about these inducements and also the snitches' statements but was caught out during cross examination. The trial had to be stopped several times while the government "found" the relevant documents. In addition, William was denied the exculpatory testimony of a forensics expert because, according to the judge, it would "confuse" the jury. The travesty had an inexplicable conclusion too: William was found guilty of conspiracy but not guilty of murder. How this could be when the government's theory of the case was that William's part in the conspiracy was to do the murder is still a mystery. He got 60 years. ∞



# The Dogs of Due Process

Leonard "Buddy" Green was consigned to USP Marion for "administrative reasons". There had been a peaceful work strike at USP Lewisburg and the swine, having no evidence as to who organized it, selected Buddy as the organizer. In the total absence of evidence, an infraction report could not be sustained — but one was not necessary to send Buddy to Marion, official rhetoric notwithstanding.

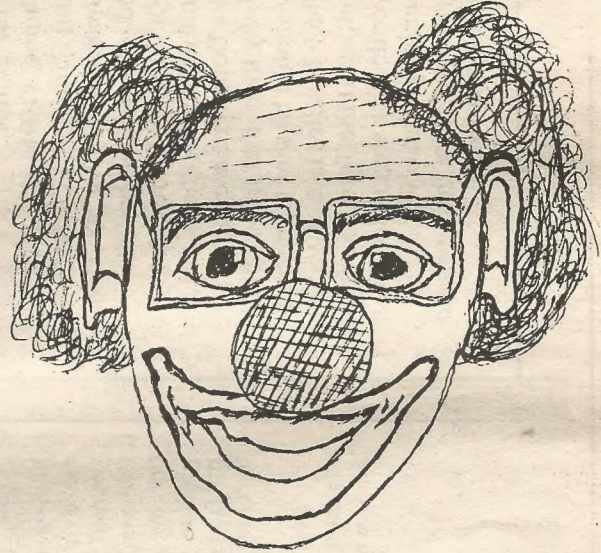
In mid-October/89, Buddy was taken to a six month administrative review before Case Worker Bozman. Bozman noted that Buddy had only two minor infractions in ten years, had the requisite amount of "clean time" to be eligible for the pre-pre-transfer unit, and had no trouble with any staff members. In recognition of those facts, Bozman put Buddy up for a "C unit review", a hearing to consider him for the pre-pre-transfer unit.

On 17/Nov/89, Buddy went to the hearing, presided over by Unit Manager McElmurry, Associate Warden Holt, and Unicorn Foremen Murphy. McElmurry started from the outset to describe Buddy as a chronic complainer and accuse him of not conforming. Winding up as he went, he castigated Buddy for filing administrative appeals and blustered that he had one on his desk that very morning. The diatribe continued with McElmurry denouncing Buddy for having filed a lawsuit against his unjust transfer to Marion and for helping other prisoners with their litigation. The harangue became a full fledged rant complete with little spits flying from McElmurry's lips as he raved about how such things would not be tolerated in the pre-transfer unit and how he could evict a prisoner from those units for any reason or no reason.

At that point, Buddy interrupted and informed the Unit Manager that all of that was irrelevant as he had violated no rule and those were not things that policy allowed to be considered for the pre-transfer units. In an effort to reel McElmurry in from the edge, he mentioned his good conduct and being at Marion without an infraction.

With that, Associate Warden Holt jumped in to rescue McElmurry from further embarrassment and confrontationally asked Buddy what Marion was teaching him. Buddy replied that he didn't understand why he was here or that there was anything to learn and that he felt like a prisoner of war. Holt started becoming agitated and told Buddy that that was not what they wanted to hear with the threat only thinly veiled. What the truculent trio wanted suddenly dawned on Buddy, so he explained to them that he was not going to make any false admissions to legitimize their treatment of him and that there would be no ass kissing. At that, Holt slipped his loose leash on reason and began spewing bug-eyed invective about how Buddy had learned nothing from the Marion program and that he was not ready for C-block and blah, blah, blah. . .

Feeling that that had pretty much ended the hearing on a note unfavorable to his placement in C-unit, Buddy stood up and turned to be taken out of the small office and back to the cell. Before leaving, however, he turned back and advised the committee that they should never again in life waste his time with bovine excrement such as the committee constituted. Should they be so inclined to send him to their pre-transfer unit, he told



WARDEN JOHN THE BOZO HAIRED

Graphic by Buddy Greene

them, they should simply do so and otherwise leave him alone. Two days later, Buddy received a notice of possession of bad attitude and a prescription of another year at Marion for it.

When the warden toured the same week, Buddy complained of his egregious treatment. Holt was present and became very strident and defensive of his conduct. Former Warden Henman tried to implicate Buddy in the committee members' freak-out in order to legitimize their action by saying, "Two wrongs don't make a right." He insisted that he would treat everyone fairly and not hold anyone back for exercising the right to make appeals, but refused to overrule Holt's and McElmurry's grossly improper action. Present Warden Clark said essentially the same thing but without admitting Holt's culpability when questioned about it on 21/Feb.

This situation is illustrative of the actual considerations that go into decisions about transfer out of Marion, administrative propaganda aside. Another prisoner was treated similarly on the same day, and others have also been harassed comparably for being insufficiently groveling or obsequious. Such is the nature of life with big brother. ∞

## Marionnotes

**JUDICIAL STICK-UP:** That crafty old judicial pirate Southern District of Illinois Chief Judge James Foreman apparently has more scams than mere collusion with the BOP against Marion prisoners. Every day that he's held court at his usual headquarters, Benton, IL, he's been billing the government for travel from far away East St. Louis (main office of Southern District) when he lives close by. That amounted to \$14,000 in mileage for unmade trips last year. U.S. Senator Paul Simon has called for an investigation. Perhaps that is why hizzoner has been slow-walking prisoner litigation for months and months.

**FOOD STICK-UP:** Since Sep/89, Marion prisoners have been told the chow would improve. The latest projection for that is June; there is no explanation of why not now. Quality, quantity and variety have all deteriorated markedly: fish patty, chicken patty, fish patty is a sample of how the menu can run. The food manager insists that nothing has changed and gets offended when that is called a lie. Associate Warden True gets threatening if complaints are too voiciferous. He also likes to tell prisoners that it's all in their minds 'cause they the only ones complaining. ∞

Money, money, money: That's what we need to keep this project going. Send donations to Bulldozer, POB 5052, Stn A, Toronto, Ont Canada M5W 1W4



Committee To End The Marion Lockdown  
343 S. Dearborn, Rm 1607,  
Chicago, IL 60604  
(312) 663-5046

Dear Friend,

We are writing to let you know about our upcoming plans for the spring. We hope that you will find them exciting and will be able to participate in some way.

We have decided that now is the time to demand an end to the use of toxic water from Crab Orchard Lake at Marion Prison. See *The Marionette* number 45 The situation is so outrageous that we think it must be changed, and we believe it can be changed, if we act soon and effectively.

Our plan is as follows. We will be working with our friends to generate activities in several cities on Friday and Saturday, May 4 and 5. All of these activities will revolve around the water, but will of course address the other horrible aspects of Marion as well. We, along with other organizations will be working to determine if there is interest in activities in Carbondale/Marion, St. Louis, Madison, Champaign/Urbana, San Francisco, Washington D.C., New York, Philadelphia and San Juan, Puerto Rico.

We are doing a lot of travelling to some of these areas. Of special interest will be Washington, D.C. and Carbondale/Marion. We plan to send a delegation of religious and civic leaders to the Bureau of Prisons in DC to present them with the water petitions and to demand that the water supply at Marion be changed. We also hope to have a press conference there. At the same time, we will send a delegation to Marion prison, present the warden with copies of the petitions, and make the same demand. Later that evening, we hope to hold a program on the campus of Southern Illinois University in Carbondale. Other activities in the other cities will reflect local strategies and realities.

As you can see, this is a very ambitious program for such a small committee and only our larger circle of friends, meaning you, can make this happen. So we ask the following of you, First, enclosed is a copy of the petition (included with copies of the *PNS/M.*) Please make many copies, get them filled out, and return them to us by mid-April. We now have about 200 petitions (1600 signatures) and our goal is ten times this number. Please help with this. Second, we need your help in building the activities discussed above or in generating activities in your city. If you can help with this, please get in touch ASAP. Third, we need help in spreading the word about Marion. (Write for a copy of our resource list.) Fourth, please help us financially if you can. You can imagine what it will cost to send people to DC and to Marion on the same weekend.

CEML ∞